IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 2669 OF 2001

IN

FIRST APPEAL (ST.) NO. 42859 OF 1998

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. S. N. Gawade, AGP, for the Applicant.

None for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATE : 24TH AUGUST,2006

P.C.:

Heard learned Assistant Government Pleader for the applicant. Respondents absent, though served.

2. The applicant has explained the delay of 5 years and 21 days occurred in filing this first appeal in paragraph nos.2,3 and 4 of the civil application. According to the

applicant, certain procedure is required to be undergone for filing of the first appeal in this Court and in this process delay is caused. Another ground set up by the applicant, seeking condonation of delay is the delay in receipt of the certified copy from the court concerned. The application is supported by the affidavit of one Mr. Ashok Vinayak Gadre, the District Government Pleader, Sangli, sworn on 17th March, 1999. In this affidavit, Mr. Gadre has stated that he joined the office of the District Government Pleader and thereafter by letter dated 11/14th September, 1998, received request from the office of the Government Pleader, High Court, Mumbai, for obtaining certified copy, He, thereafter, applied for certified copy and after obtaining the copy, remitted that copy to the Government Pleader’s Office at Mumbai.

3. The respondents, despite service, did not enter appearance and/or filed any reply affidavit controverting the allegations made in paragraphs 2, 3 and 4 of the civil application. The delay occurred, is properly explained and bonafide. I am satisfied that the cause for condonation of delay is established.

4. Accordingly, the delay of 5 years and 21 days caused in filing the first appeal in this Court, is condoned. The civil application, accordingly, is allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)